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Shooting in Ferguson

Abstract

"In the past year, the nation's attention has been repeatedly drawn back and forth from Ferguson to New York City as events in the two cities have had an eerie and disturbing resonance with one another. From an officer-involved death that set off controversy in Ferguson to one in New York, from a no indictment in one city to one in the other, and, now, tragically, the ambush killing of two officers in New York has been echoed in the ambush shooting (thankfully not fatal) of two officers in Ferguson."

Posting about the many problems that face the modern criminal justice system and what Christians can do about them from *In All Things* - an online hub committed to the claim that the life, death, and resurrection of Jesus Christ has implications for the entire world.

<http://inallthings.org/shooting-in-ferguson/>

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Shooting in Ferguson

 [all in allthings.org/shooting-in-ferguson/](http://allthings.org/shooting-in-ferguson/)

Donald Roth

In the past year, the nation's attention has been repeatedly drawn back and forth from Ferguson to New York City as events in the two cities have had an eerie and disturbing resonance with one another. From an officer-involved death that set off controversy in [Ferguson](#) to one in [New York](#), from a no indictment in [one city](#) to one in the [other](#), and, now, tragically, the ambush killing of [two officers](#) in New York has been echoed in the ambush shooting (thankfully not fatal) of [two officers in Ferguson](#).

It's natural for humans to see similar events and look for a pattern, and this isn't always necessarily appropriate. In this case, however, I believe there are reasons to ask the bigger questions that link these developments, and the conclusions we can draw from this analysis paint a picture of a nation poised on the precipice of change. My purpose in this article is to think about how we can work to see that that change is for the better.

Symptoms of a Problem

If doctors are diagnosing an illness, properly identifying what are and are not symptoms of that illness is a critical step. If we either miss a symptom or wrongly assume something is a symptom, we run the risk of misdiagnosing the problem. So what are the problems highlighted by recent developments?

The Use of Force

The public has never been totally comfortable with the use of force by the police, and that's probably a good thing. I don't find it problematic that we would be naturally inclined to suspicion when granting someone the right to use force, even deadly force, on members of the public. This does not mean that such actions are never warranted, however. While there is on-going debate about Officer Pantaleo's actions with regard to the death of Eric Garner, the [Department of Justice report](#) issued regarding the death of Michael Brown shows solid evidence that not only is there insufficient cause to pursue charges against Officer Wilson, but the existing evidence significantly corroborates his story. In other words, despite all public criticism, it appears that Wilson's actions were justified. Nonetheless, there is no doubt that the initial use of force was a major issue in these recent events.

Systematic Inequality

Any incident involving the death of a citizen at the hands of police is a serious matter, and it has been a regular [part of police best practices](#) to see to fair, neutral citizen review of police actions after these sorts of events. The problem in these cases seems to be an erosion of public trust that the grand jury process provides truly fair and neutral review. Former New York State Chief Judge [Sol Wachtler](#) has been famously quoted for saying that prosecutors could get juries to "indict a ham sandwich, if that's what they wanted." This sentiment is at least anecdotally substantiated by [studies](#) of the approximately 162,000 cases brought to federal grand juries in 2009-10, finding only 11 that returned no indictments. However, other [studies show](#) that police are very rarely indicted by grand juries. Given this juxtaposition, it's understandable why public faith in the oversight process for the use of force in these cases is fragile.

Troubling Statistics

There are complicating factors that only add to these discrete issues, however. On the same day that the

Department of Justice more or less cleared Darren Wilson, they issued a [scathing report](#) on the state of policing in Ferguson. Among other issues, the report found that despite making up 67% of the population, African Americans made up 90% of citations and 93% of all arrests made by Ferguson police. On top of that, black drivers were more than twice as likely to be searched during a vehicle stop, while they were actually 26% *less* likely to be carrying contraband. The city argued that a lack of “personal responsibility” among “certain segments” of the population led to these distorted numbers, but the sheer weight of the numbers make the statement difficult to legitimately maintain.

Similarly, New York has recently been rocked by scandal with their own troubling numbers. Despite banning the use of holds that place pressure on the neck, throat, or windpipe over 20 years ago, a [study](#) released by New York’s Civilian Complaint Review Board showed hundreds of complaints about the use of “chokeholds” every year, a number that is rising, and it showed that police have virtually never been disciplined for using the banned maneuvers. The same study also showed that half of the officers mentioned in the chokehold complaints had six or more complaints on file against them. Added to this are the [troubling numbers](#) behind New York’s now abandoned “Stop and Frisk” initiative, which saw between 500-700,000 stops a year, 53% of which involved African Americans (who make up 25% of the city). Put together, it’s not terribly surprising that minority groups, particularly African Americans, feel singled out and oppressed.

Spirit of Unrest

We all witnessed significant unrest, particularly in Ferguson, in the aftermath of the grand jury decisions. Like with many incidents of this type, even though rage may have been directed at certain institutions, it was often local businesses and residents who [paid the price](#). Moreover, the unrest has created an environment wherein certain people feel it is okay to lash out at the police. This is absolutely not the message of the protest groups (who have [roundly condemned](#) such violence); however, police organizations have begun to feel besieged by both angry mobs and public sentiment, leading them to lash out, such as when police union president [Pat Lynch said](#) New York mayor Bill de Blasio had “blood on [his] hands” after the two New York officers were killed in December.

Diagnosing the Problem

So what does this all add up to? In the way it often is with these issues, there are some partisan lines drawn already along with their preferred diagnosis. One side identifies all of the issues I mentioned above as rooted in [systematic institutionalized racism](#). Another sees the questionable actions of a few police as a few bad eggs, laying the real problem at the feet of political authorities who [they say](#) have propagated “four months of propaganda starting with the president that everybody should hate the police.” I think both of these diagnoses fail to capture the entirety of the problem.

One significant piece that is missing from both of these narratives is the larger discussion about police use of force. The post-9/11 world has seen a significant reimagining of what the modern police officer is, leading to an [unprecedented availability of military hardware to police departments](#). People on both the [left](#) and the [right](#) wing of the political spectrum have raised significant concerns about these developments, fearing the “rise of the warrior cop.”¹ This aspect of the problem is deeply rooted in history. At their inception, the police struggled with legitimacy while trying to distinguish themselves from a paramilitary force, and as much as we see something similar happening again today, this cannot be left out of the diagnosis.² As much as Ferguson and New York tie to issues of race and trust, they tie significantly into a larger discussion about what the police should look like in the modern world.

This is not to totally dismiss the pro- and anti-police narratives mentioned above. It is almost impossible to look at the statistics I mentioned above and not sense that there is a racial dimension to the problem. At the same time, for all their problems, it’s unrealistic to propose dropping the institution of police altogether,

so we get nowhere by working to cultivate an “us v. them” mentality. As mentioned by former Seattle Police Chief Norm Stamper in his excellent memoirs, “Over the years I observed that the cops who are the most calm, the most courageous are invariably the most empathetic, and compassionate.”³ In other words, scared, cornered cops are going to be the kind who behave in the way we’re most seeking to avoid, and isolating the police as the problem is really self-defeating.

So, then, if our diagnosis includes all of the above, where do we possibly look for solutions?

Solving the Problem

I can’t pretend to present comprehensive solutions here to the many problems that face the modern criminal justice system, there simply isn’t space. However, I can offer a few specific recommendations tied directly to the symptoms and the diagnosis I’ve presented above:

1. Revamp Civilian Oversight of Police Force

In both the deaths of Michael Brown and Eric Garner, a significant part of the public furor has been tied to the perception of the injustice of the grand jury process. However, the grand jury process is not serving the same function in these cases as it does in other situations. Usually, when a prosecutor brings a case before a grand jury, the prosecutor has chosen to pursue charges and is pushing for trial. With officer-involved killings, the grand jury part of the process of asking if any wrongdoing has occurred in an often unique way. There is general agreement that neutral, civilian oversight should occur, but it also appears that the public does not see the grand jury system as that neutral tool. Perhaps that’s because it’s not really designed to be, and maybe it’s time we designed another.

2. Remember What We Hope to Achieve by Having the Police

One of the things that’s in danger of getting lost in this entire tragic situation is the *why* behind policing. Historically, the police have often been seen as forces for maintaining order or suppressing crime; however, [community policing](#), one of the dominant theories of policing today, sees the police as on tool in the cultivation of social flourishing. This theory encourages police to see themselves primarily through the lens of engaged service, and it provides a better model to pursue.⁴

One of the problems in Ferguson [identified by the Department of Justice](#) was a pervasive view that the police bore a responsibility as revenue generators for the local government. Similarly, shortcuts taken in the administration of Stop and Frisk in New York and some of the community assumptions made in Ferguson suggest a disconnect with the difficult, fact-dependent judgment calls that police need to make on the street. We’re largely past the days of open racism in police departments, but we shouldn’t be surprised when taking shortcuts in policing generates results that reflect old stereotypes. We can’t allow ourselves to be distracted by modes of policing that fail to be engaged or that seek to sidetrack police from the service model.

3. Encourage Quality Young People to Serve

I have always been struck by a side comment in Norm Stamper’s memoirs. In the 1970s, Stamper was directed to follow up on allegations of racism in the ranks of the San Diego Police Department. His memoirs describe his conversation with one of the officers he interviewed:

“I asked each man to tell me how many cops in Southeast talked this way....the mean was over ninety percent. ‘Everyone but the super-religious cops,’ was Tom’s reply. ‘It’s not that these “Christians” lord it over you, they just don’t talk the way the rest of us talk.’”⁵

Now, I don’t pretend to think that Christians are perfect, but I find this striking nonetheless. In an

atmosphere of pervasive racism, some Christians stood apart. When I look at the other attributes of policing that we could use more of, such as empathy, a service-oriented attitude, and an interest in social flourishing, I see a deep resonance with what I find often in students I've had the privilege of working with. It can sometimes sound trite to say that a solution to a problem might be to encourage more Christians to service in a field, but this may be a case where that's especially true.

Dig Deeper

With the shooting of two police officers early in the morning of March 12, 2015, the issue has again returned to the center of the national attention. We here at iA thought it might be helpful to highlight some of the material we have previously published on Ferguson, to help remind us all of some of the issues at stake.

We gathered a variety of people's [Thoughts on #Ferguson](#) in the days after the non-indictment that try to think through some of the complex issues of race that are behind what happened in Ferguson.

Howard Schaap used [Langston Hughes' poem "Harlem"](#) as a way into the issues.

Liz Moss gave a heartfelt and honest [Prayer of Confession](#) of her complicity in systems of privilege and abuse based on race.

And Donald Roth tried to help us all [Make Sense of the grand jury's decision](#) to not indict Darren Wilson or the officers involved in the related case of [Eric Garner](#), while challenging us to not let those "No Indictments" keep us from thinking through the serious issues that lay behind the two incidences.

Got other links or resources people should know about? Share them in the comments below.

Footnotes

1. I recommend reading Radley Balko's excellent book by this very title. Radley Balko, *Rise of the Warrior Cop* (Public Affairs New York 2014). [↩](#)
2. When Sir Robert Peel organized the [first modern police force](#) in London, he worked very hard to overcome the public's fears that the police represented an occupying military force. He did this through everything from arming officers with clubs rather than rifles to putting them in blue uniforms rather than British military reds. Still, however, the public was leery of this new force, and when police responded to a demonstration near [Coldbath Fields on May 13, 1833](#), things took a violent turn, ending in the stabbing of several officers and the murder of Constable Robert Culley. The man responsible was found, and though he was charged with murder, a jury ruled his actions a justifiable homicide because of a distaste for police action. The suspicion underlying this verdict would persist for years until the consistent record of police conduct finally won public support and sympathy. [↩](#)
3. Norm Stamper, *Breaking Rank* (Nation Books 2005) 96 [↩](#)
4. It's also worth noting that this view is in accord with what the police were designed to do according to some of the [principles of policing](#) announced with the founding of the Metropolitan Police. [↩](#)
5. Stamper, 100 [↩](#)

